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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,532	02/19/2004	Stephen F. Brown	CWSI.2CP1CP1	3246
20995 7590 05/03/2007 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EXAMINER MATHEWS, ALAN A	
			ART UNIT 2851	PAPER NUMBER
			NOTIFICATION DATE 05/03/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/782,532	<b>Applicant(s)</b> BROWN, STEPHEN F.	
	<b>Examiner</b> Alan A. Mathews	<b>Art Unit</b> 2851	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/16/04</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Objection*

1. Claim 5 and 12-16 are objected to because of the following informalities: in claim 5, there is no proper antecedent basis for “the weight of the concrete structure”. If claim 5 were to be amended to depend from claim 4, this first objection would be corrected. In claim 12, line 2, there is no proper antecedent basis for “the power distribution box”. Amending claim 12 to depend on claim 11 would correct this second objection. In addition, “current breaker” on line 2 of claim 12 should be correlated with the “current breaker” in claim 1. If they are the same current breaker, claim 12 should recite “the current breaker”. In claim 13, line 5, “the hollow pole enclosure” does not have a proper antecedent basis in the claim, since only a “hollow enclosure” and a “hollow pole” was previously recited, and a “hollow pole enclosure” was not previously recited. Appropriate correction is required.

### *Double Patenting*

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re*

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*Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-12 and 14-16 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-13 of U.S. Patent No. 6,375,370. Although the conflicting claims are not identical, they are not patentably distinct from each other because all elements recited in claims 1-12 of the instant application are found in claims 1-13 of U.S. Patent No. 6,375,370.

4. Claims 1-12 and 14-16 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-17 of U.S. Patent No. 6,709,172. Although the conflicting claims are not identical, they are not patentably distinct from each other because all elements recited in claims 1-12 of the instant application are found in claims 1-17 of U.S. Patent No. 6,709,172.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 7, 8, 12, and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong (U. S. Patent No. 5,986,576) in view of Headley (U. S. Patent No. 4,916,594) or Garehime, Jr. (U. S. Patent No. 4,112,818) or Toth (U. S. Patent No. 5,068,773). Armstrong discloses in figures 1, 5, and 8, a surveillance assembly including a platform for surveillance equipment 55 and 62 and 63. Column 9, lines 11-23, state that a video camera 55 can be positioned on all sides of the device (i.e. plural cameras) to record all occurrences surrounding the device (i.e. providing observations of an area in a vicinity of the surveillance system). In addition, column 8, lines 29-35, disclose a sensor device 63 for monitoring an area in a vicinity of the system. Base 30 is a hollow enclosure and includes a power source 36. Column 7, lines 63-67, disclose providing more than one power source. Hollow pole 24 has an upper portion mounted to the surveillance assembly and a lower portion mounted to the base 30. Pole 24 is adjustably received in 34 (see column 7, lines 24 and 25). Figure 1 discloses cables 39 and wires 38 as being the means disposed through the pole for connecting the surveillance equipment to the electronic equipment in base 30 (see column 5, lines 1-3, column 7, lines 12-17, and lines 51-66). With respect to claim 8, figure 2 discloses a telescoping pole. With respect to claim 12, the power is supplied to the current breaker for distribution of power to the surveillance system (it is noted that claim 12 is objected to above for failing to provide an antecedent basis for "the power distribution box"). Thus, Armstrong discloses the invention claimed except for disclosing a current breaker disposed inside the base enclosure. Headley (U. S. Patent No. 4,916,594) discloses in figures 1 and 2, a circuit breaker 20 or 32 and a camera (see column 2, line 2). Garehime, Jr. (U. S. Patent No. 4,112,818) discloses in figure 34 and column 35, line 52, the use

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of a circuit breaker 740 in a surveillance system having a video sensing means 46 on a mobile unit 28. Toth (U. S. Patent No. 5,068,773) discloses in figure 5, column 5, lines 35 and 36, and column 7, lines 8 and 9, a circuit breaker 90 in a pole. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide Armstrong with a current breaker disposed inside the base enclosure near the power source in view of either Headley or Garehime, Jr. or Toth for the purpose of protecting the electronics equipment and thus providing for a longer life of the electronics equipment.

7. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong in view of Headley as applied to claim 1 above, and further in view of Gartner et al. The modified device of Armstrong and Headley discloses the invention except for disclosing having the base comprise a concrete structure. Gartner et al. discloses making a base 63 out of concrete for the well-known purpose of providing stability and durability to the base of the pole (see figures 9 and 12 and column 6, lines 41-44). The concrete base 63 would weigh at least 1500 pounds. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide the modified device of Armstrong and Headley with a concrete structure in view of Gartner et al. for the purpose of providing stability and durability to the base.

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong in view of Headley as applied to claim 1 above, and further in view of Mitchell et al. (U. S. Patent No. 6,175,343). The modified device of Armstrong and Headley discloses the invention except for disclosing using a PVC conduit to accommodate communications cable. Mitchell et al. discloses

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in figure 4B and column 7, lines 55 and 56, the use of conduits made of PVC for cables to be fed up through the pole 130. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide the modified device of Armstrong and Headley with a PVC conduit in view of Mitchell et al. for the purpose of providing better protection for the cables and thus increasing the life of the cables.

9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong in view of Headley as applied to claim 1 above, and further in view of Sealander (U. S. Patent Application Publication No. 3,254,340). The modified device of Armstrong and Headley discloses the invention except for disclosing a power distribution box adapted to be connected to an external power supply via a power supply line. Sealander discloses a power distribution box 58 connected to a power line 59. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide modified device of Armstrong and Headley with a power distribution box adapted to be connected to a power line in view of Sealander for the purpose of better control of the electrical equipment.

10. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong (U. S. Patent No. 5,986,576) in view of Silverman et al. (U. S. Patent No. 4,709,265) or Vertin (U. S. Patent No. 5,073,824). Armstrong discloses in figures 1, 5, and 8, a surveillance assembly including a platform for surveillance equipment 55 and 62 and 63. Column 9, lines 11-23, state that a video camera 55 can be positioned on all sides of the device (i.e. plural cameras) to record all occurrences surrounding the device. In addition, column 8, lines 29-35, disclose a sensor

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device 63 for monitoring an area in a vicinity of the system. Base 30 is a hollow enclosure and includes a power source 36. Column 7, lines 63-67 disclose providing more than one power source. Hollow pole 24 has an upper portion mounted to the surveillance assembly and a lower portion mounted to the base 30. Pole 24 is adjustably received in 34 (see column 7, lines 24 and 25). Figure 1 discloses cables 39 and wires 38 as being the means disposed through the pole for connecting the surveillance equipment to the electronic equipment in base 30 (see column 5, lines 1-3, column 7, lines 12-17, and lines 51-66). Figure 5 discloses remote transmitter 42 and receiver 44 and remote transmitter 61 (see column 8, lines 11-27). To have receiver 44, Armstrong must have an antenna. Thus, Armstrong discloses the invention except for disclosing an antenna located on the surveillance platform. Silverman et al. discloses placing an antenna 7 on top of a platform for remote control of a camera (see figure 1 and figure 5a). Vertin discloses in figure 1 and figure 6 antenna 86 on a platform for cameras for remote control of the cameras. Element 84 is a receiver. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide Armstrong with an antenna on top of a platform for remote control in view of Silverman et al. or Vertin for the purpose of better remote control.

*Allowable Subject Matter*

11. Claims 3, 9, and 10 would be allowable **subject to filing a proper terminal disclaimer** and if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The reasons for the indicated allowability of the claims are as follows:



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The prior art does not disclose or suggest wherein the surveillance assembly further includes a power distribution box mounted on the support pole near the platform adapted to receive a power supply line from an external power source and to supply electrical power from the power distribution box to the current breaker from which electrical power is distributed to electronic equipment and surveillance equipment in combination with all the other elements recited in the parent claims to dependent claim 3.

The prior art does not disclose or suggest wherein the surveillance assembly further includes a power distribution box mounted on the support pole near the platform adapted to receive a power supply line from an external power supply to supply electrical power to the current breaker for distribution of electrical power to a distribution box for distribution of the electrical power to the electronics equipment and surveillance equipment in combination with all the other elements recited in the parent claim to dependent claim 9.

### ***Conclusion***

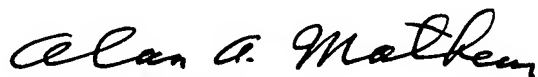
12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents cited in the PTO-1449 are cited for the same reasons they were cited in Applicant's IDS.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan A. Mathews whose telephone number is (571) 272-2123. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diane Lee can be reached on (571) 272-2399. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Alan A. Mathews  
Primary Examiner  
Art Unit 2851

AM